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10/611,630	06/30/2003	Jeffrey A. Aaron	190206-1150	1405

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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/611,630	AARON, JEFFREY A.
	Examiner	Art Unit	
	Mellissa M. Chojnacki	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 March 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-35* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1.   In response to communications filed on March 14, 2006, no claims are cancelled;

claims 1, 3-4, 9, 11, 13, 15-16, 19, 21, 24, 26 and 33 have been amended, and no new

claims have been added. Therefore, claims 1-35 are still presently pending in the

application.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 9, 11 and 19 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claims 9 and 11 recites the limitation "weighted values". There is insufficient

antecedent basis for these limitations in the claim. Correction is required.

Claim 19 recites the limitation "weighted values". There is insufficient antecedent

basis for these limitations in the claim. Correction is required.

Claim 26 recites the limitation "configured to include sequences and scripts",

which is vague and indefinite because it is unclear what "sequences" and "scripts" are

as disclosed within the specification. Correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-6, 12-17 and 22-34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Burnett (U.S. Patent Application Publication No. 2002/0087408, in

view of Williams et al. (U.S. Patent No. 5,977,964).

6.   Claims 1-6, 12-17 and 22-34 are rejected under 35 U.S.C. 102(b) as being

anticipated by Burnett (U.S. Patent Application Publication No. 2002/0087408).

As to claims 1, Burnett teaches a method for providing automatically facilitated

marketing and provision of electronic services (See abstract; paragraphs 0001-0002;

paragraph 0036-0043), comprising:

obtaining keywords resulting from the searching step (See paragraphs 0015-

0017; paragraph 0019);

utilizing a database table to associate the keywords with potential services to sell

to a customer (See paragraphs 0015-0017; paragraph 0019); and

producing a set of suggested actual services and associated information

regarding services that can be sold to the customer (See abstract; paragraphs 0001-

0002; paragraph 0035; paragraph 0039; paragraphs 0042-0043; paragraph 0052).

Burnett does not teach searching a database for a match between user system

log and information in the database.

Williams et al. teaches a method and apparatus for automatically configuring a

system based on a user's monitored system interaction and preferred system access

times (See abstract), in which he teaches searching a database for a match between

user system log and information in the database (See column 9, lines 41-61)

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Burnett, to include searching a

database for a match between user system log and information in the database.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Burnett, by the teachings of Williams et al.

because searching a database for a match between user system log and information in

the database would configure a system based on a user's monitored system interaction

and preferred system access times (See column 2, lines 6-8).

As to claim 2 and 14, Burnett as modified, teaches associating the keywords with

generically-defined services (See paragraphs 0015-0019; paragraph 0094; paragraph

0264); further comprising logic configured to associate the keywords with generically-

defined services (See Burnett, paragraphs 0015-0019; paragraph 0094; paragraph

0264).

As to claims 3, 15 and 33, Burnett as modified, teaches calculating appropriate

services to offer the customer utilizing a weighted summation of technical

appropriateness values associated with at least one of generic, potential, actual or

available services; logic

configured to calculate appropriate services to offer the customer utilizing a weighted

summation of technical appropriateness values associated with at least one of generic,

potential, actual or available services (See Burnett, paragraph 00353; paragraph 0364);

wherein the service suggestion analyzer is further configured to calculate appropriate

services to offer the customer utilizing a weighted summation of technical

appropriateness values associated with at least one of generic, potential, actual, or

available services (See Burnett , paragraph 00353; paragraph 0364).

As to claims 4 and 16, Burnett, as modified, teaches calculating preferential

services to offer the customer utilizing a weighted summation of preference values

associated with actual services offered by a service provider; logic configured to

calculate preferential services to offer the customer utilizing a weighted summation of

preference values associated with actual services by a service provider (See Burnett,

paragraph 00015; paragraph 00017; paragraph 0162; paragraph 00353; paragraph

0364).

As to claims 5, 17, 23 and 34, Burnett as modified, teaches ranking potential

generic services for presentment and comparison of preferential services; logic

configured to rank potential services for presentment and comparison of preferential

services (See paragraph 00015; paragraph 00017; paragraph 0162; paragraph 0364);

logic configured to rank potential generic services for presentment and comparison of preferential services (See Burnett ,paragraph 00015; paragraph 00017; paragraph 0162; paragraph 0364); wherein the service suggestion analyzer is further configured to rank potential generic services for presentment and comparison of preferential services (See Burnett, paragraph 00015; paragraph 00017; paragraph 0162; paragraph 0364).

As to claim 6 and 30, Burnett as modified, teaches ranking potential actual services for presentment and comparison of preferential services (See Burnett, paragraph 00015; paragraph 00017; paragraph 0162; paragraph 0364); wherein the service module is further configured to interface with the analyzer module to obtain the generic needs list and to produce a ranked set of suggested actual services offered by a service provider (See Burnett, paragraph 00015; paragraph 00017; paragraph 0162; paragraph 0364).

As to claims 12 and 22, Burnett as modified, teaches outputting the suggested services and associated information to a user's processing device; logic configured to output the suggested services and associated information to a user's processing device (See Burnett, paragraph 00015; paragraph 00017; paragraph 0162; paragraph 0364).

As to claim 13, Burnett teaches a computer-readable medium (See abstract; paragraphs 0001-0002; paragraph 0036-0043) comprising:

logic configured to obtain keywords resulting from the search (See paragraphs 0015-0017; paragraph 0019);

logic configured to utilize a database table to associate the keywords with potential services to sell to a customer (See paragraphs 0015-0017; paragraph 0019); and

logic configured to produce a set of suggested services and associated information of services that can be sold to customer (See abstract; paragraphs 0001-0002; paragraph 0035; paragraph 0039; paragraphs 0042-0043; paragraph 0052).

Burnett does not teach configured to search a database for a match between user system log and information in the database.

Williams et al. teaches a method and apparatus for automatically configuring a system based on a user's monitored system interaction and preferred system access times (See abstract), in which he teaches configured to search a database for a match between user system log and information in the database (See column 9, lines 41-61)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Burnett, to include configured to search a database for a match between user system log and information in the database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Burnett, by the teachings of Williams et al. because configured to search a database for a match between user system log and

information in the database would configure a system based on a user's monitored

system interaction and preferred system access times (See column 2, lines 6-8).

As to claim 24, Burnett teaches a system for automatically facilitated marketing

and provision of electronic security services (See Burnett, abstract; paragraphs 0001-

0002; paragraph 0036-0043), comprising:

a service suggestion analyzer operatively coupled to the cycler, the service

suggestion analyzer configured to provide a set of potential services to be sold to a

customer based on the keywords from the cycler (See Burnett, abstract; paragraphs

0001-0002; paragraph 0035; paragraph 0039; paragraphs 0042-0043; paragraph 0052).

Burnett does not teach a cycler configured to search through a plurality of

databases to match user system log with sales information in the databases and to

provide keywords resulting from the search.

Williams et al. teaches a method and apparatus for automatically configuring a

system based on a user's monitored system interaction and preferred system access

times (See abstract), in which he teaches a cycler configured to search through a

plurality of databases to match user system log with sales information in the databases

and to provide keywords resulting from the search (See column 9, lines 41-61)

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Burnett, to include a cycler

configured to search through a plurality of databases to match user system log with

sales information in the databases and to provide keywords resulting from the search.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Burnett, by the teachings of Williams et al. because a cycler configured to search through a plurality of databases to match user system log with sales information in the databases and to provide keywords resulting from the search would configure a system based on a user's monitored system interaction and preferred system access times (See column 2, lines 6-8).

As to claim 25, Burnett as modified, teaches wherein the service suggestion analyzer further comprises an analyzer module, a service module and an output module (See Burnett, paragraph 0036-0043).

As to claim 26, Burnett as modified, teaches wherein the service suggestion analyzer further comprises a psychological assistant module configured to include sequences and scripts to elicit sales and a special deals interface module configured to provide special sales on time sensitive offers (See Burnett, paragraphs 0211; paragraphs 252-253; paragraph 266; paragraphs 277-278; paragraph 369; paragraph 412-413).

As to claim 27, Burnett as modified, teaches wherein the analyzer module is further configured to produce a prioritized and clustered needs list that includes generic services (See Burnett, paragraph 015; paragraph 017; paragraph 0162; paragraph 0364).

As to claim 28, <u>Burnett</u> as modified, teaches wherein the analyzer module is

further configured to include a lookup table to provide the clustered needs list (See

<u>Burnett,</u> paragraph 0173; paragraph 0176; paragraph 0183; paragraph 0186; paragraph

0188; paragraph 0194).

As to claim 29, <u>Burnett,</u> as modified teaches wherein the analyzer module is

further configured to perform technical weightings of potential services to prioritize the

generic needs list (See <u>Burnett,</u> paragraph 00015; paragraph 00017; paragraph 0162;

paragraph 00353; paragraph 0364)

As to claim 31, <u>Burnett</u> as modified, teaches wherein the service module is

further configured to incorporate stored preference weightings for an available offered

service such that the set of suggested actual services are skewed towards services

preferred to be sold by a service provider (See <u>Burnett,</u> paragraph 00015; paragraph

00017; paragraph 0162; paragraph 00353; paragraph 0364).

As to claim 32, <u>Burnett</u> as modified, teaches wherein the output module is

operatively coupled to the service module and the output module is further configured to

provide the ranked

set of suggested actual services to a user via at least one of a user's display device of a

processing device, auditory means including synthesized voice, email, or paging device

(See <u>Burnett,</u> paragraph 00015; paragraph 00017; paragraph 0162; paragraph 00353;

paragraph.0364).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 7-11, 18-21 and 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Burnett</u> (U.S. Patent Application Publication No. 2002/0087408, in

view of <u>Williams et al.</u> (U.S. Patent No. 5,977,964), in view of <u>Lawrence et al.</u> (U.S.

Patent No. 6,738,780).

As to claims 7 and 18, <u>Burnett</u> does not teach calculating maximum and

minimum thresholds such that preferential services offered by a service provider do not

override technical security decision criteria; configured to calculate maximum and

minimum threshold such that preferential services offered by a service provider do not

override technical security decision criteria.

<u>Lawrence et al.</u> teaches autonomous citation indexing and literature browsing

using citation context (See abstract), in which he teaches calculating maximum and

minimum thresholds such that preferential services offered by a service provider do not

override technical security decision criteria (See column 12, lines 49-67; column 13,

lines 1-10; column 14, lines 35-48); configured to calculate maximum and minimum threshold such that preferential services offered by a service provider do not override technical security decision criteria (See column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Burnett, to include calculating maximum and minimum thresholds such that preferential services offered by a service provider do not override technical security decision criteria; configured to calculate maximum and minimum threshold such that preferential services offered by a service provider do not override technical security decision criteria.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Burnett, by the teachings of Lawrence et al. because calculating maximum and minimum thresholds such that preferential services offered by a service provider do not override technical security decision criteria; configured to calculate maximum and minimum threshold such that preferential services offered by a service provider do not override technical security decision criteria would improve the method for finding relevant and important publications on the web (See Lawrence et al., column 1, lines 61-66).

As to claims 8 and 35, Burnett as modified, teaches calculating ratio checks such that preferential services offered by a service provider do not override technical security decision criteria (See Lawrence et al., column 12, lines 49-67; column 13, lines 1-10;

column 14, lines 35-48); wherein the service suggestion analyzer is further configured to

calculate ratio checks such that preferential services offered by a service provider do

not override technical security decision criteria (See <u>Lawrence et al.</u>, column 12, lines

49-67; column 13, lines 1-10; column 14, lines 35-48).

As to claims 9 and 19, <u>Burnett</u> as modified, teaches adjusting or reducing

weighted summation values if the threshold is violated; configured to adjust or reduce

weighted summation values if the threshold is violated (See <u>Lawrence et al.</u>, column 12,

lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

As to claims 10 and 20, <u>Burnett</u> as modified, teaches discarding a particular

preferential service if the threshold or ratio check is violated; configured to discard a

particular preferential service if the threshold or ratio check is violated (See <u>Lawrence et</u>

<u>al.</u>, column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

As to claims 11 and 21, <u>Burnett</u> as modified, teaches calculating a comparison

value by adjusting weighed summations for cases of service bundling; logic configured

to calculate a comparison value by adjusting weighed summations for cases of service

bundling (See <u>Burnett,</u> paragraph 00015; paragraph 00017; paragraph 0162; paragraph

00353; paragraph 0364; also see <u>Lawrence et al.</u>, column 12, lines 49-67; column 13,

lines 1-10; column 14, lines 35-48).

Response to Arguments

9.   Applicant's arguments filed on March 14, 2006, with respect to the rejected

claims in view of the cited references have been considered but are moot in view of

applicant's amended claims necessitate new ground(s) of rejection.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

       A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571)

272-4076. The examiner can normally be reached on 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 20, 2006
Mmc

SAM RIMELL
PRIMARY EXAMINER